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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

DARYL LAMAR ROBERTS,

Defendant and Appellant.

F044703

(Super. Ct. No. 27435)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Merced County. Hugh M. Flanagan, Judge.

Alfons G. Wagner, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, and Charles A. French, Deputy Attorney General, for Plaintiff and Respondent.

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\* Before Vartabedian, Acting P.J., Wiseman, J., and Levy, J.

Appellant Daryl Roberts pled no contest to possession of cocaine (Health & Saf. Code, § 11350) and admitted allegations that he had served three separate prison terms for prior felony convictions (Pen. Code, § 667.5, subd. (b))<sup>1</sup> and suffered a “strike” conviction.<sup>2</sup> The court struck one of the prior prison term enhancements and imposed a prison term of four years eight months, consisting of the 16-month lower term on the substantive offense, doubled pursuant to the three strikes law (§§ 667, subd. (e)(1); 1170.12, subd. (c)(1)), plus one year for each of the two remaining prior prison term enhancements.

Appellant’s appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.)

Prior to sentencing, appellant requested that the trial court strike his strike conviction. The trial court declined to do so, and in response to this court’s invitation to submit additional briefing, appellant has renewed his request. Following independent review of the record, we have concluded the court did not abuse its discretion in refusing to strike appellant’s strike conviction. Accordingly, we deny appellant’s request.

We have further concluded that no reasonably arguable legal or factual issues exist.

The judgment is affirmed.

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<sup>1</sup> All further statutory references are to the Penal Code.

<sup>2</sup> We use the term “strike conviction” as a synonym for “prior felony conviction” within the meaning of the “three strikes” law (§§ 667, subds. (b)-(i); 1170.12), i.e., a prior felony conviction or juvenile adjudication that subjects a defendant to the increased punishment specified in the three strikes law.